

# **REPORT ON THE BOARD OF ATHLETIC TRAINERS**

**Montgomery, Alabama**



**Department of  
Examiners of Public Accounts**

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August 11, 2004

Representative Howard Sanderford  
Chairman, Sunset Committee  
Alabama State House  
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Board of Athletic Trainers** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Board of Athletic Trainers**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones  
Chief Examiner



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## **PROFILE**

### **Purpose/Authority**

The Board of Athletic Trainers was created by Act 617, *Acts of Alabama 1993*. The purpose of the board is to license and regulate athletic trainers in Alabama. The *Code of Alabama 1975*, Sections 34-40-1 through 34-40-17 provides the current statutory authority for operation of the board.

<b><u>Board Characteristics</u></b>	
<b>Members</b>	9 appointed members 1 ex officio member
<b>Term</b>	4-year staggered terms. No more than three consecutive 4-year terms. The President of the Alabama Athletic Trainers Association serves a term that coincides with his or her term of office as president.
<b>Selection</b>	<ul style="list-style-type: none"><li>• (6) members are appointed by the Alabama Athletic Trainers Association,</li><li>• (3) members are appointed by the Medical Association of the State of Alabama,</li><li>• (1) member, the President of the Alabama Athletic Trainers Association, serves as an ex officio member.</li></ul>
<b>Qualifications</b>	<ul style="list-style-type: none"><li>• (6) must be licensed athletic trainers with three years experience in Alabama immediately preceding appointment,</li><li>• Of the athletic trainers, (1) must be a licensed physical therapist,</li><li>• The athletic trainer members must be citizens of the United States</li><li>• (3) must be physicians licensed to practice medicine, and actively engaged in the treatment of athletes and athletic injuries.</li><li>• The ex officio member must be the President of the Alabama Athletic Trainers Association</li></ul>

<b>Racial Representation</b>	<p>(3) members of the board must be black. One of the three must be a physician member.</p> <p>Currently, there are (3) black members, (1) female and (2) males. One of the three is a physician member, as required by enabling statutes.</p>
<b>Geographical Representation</b>	No statutory requirement
<b>Consumer Representation</b>	No statutory requirement
<b>Other Representation</b>	The membership of the board shall be inclusive and reflect the racial, gender, geographical, urban/rural, and economical diversity of the state.
<b>Compensation</b>	\$50.00 for every day actually spent in the performance of duties. In addition, members are reimbursed in the same amounts as state employees.
<b><u>Operations</u></b>	
<b>Administrator</b>	<p>Louise C. Porter, Executive Secretary</p> <p>The board appoints the executive secretary. The board has contracted with Porter and Porter, a law firm, to provide administrative services, including facilities. The contracted annual amount to Porter and Porter is \$25,500.</p>
<b>Location</b>	229 South McDonough Street Montgomery, AL 36104
<b>Type of License</b>	406 Licensed Athletic Trainers as of May 31, 2004
<b>Renewal</b>	All licenses expire on December 31. There is a 90 grace period established by law during which a licensee may renew his or her license without having to file a new application and pay an application fee.
<b>Examinations</b>	The board does not administer examinations. The board requires licensees to be certified by the National Athletic Trainers Association Board of Certification (NATABOC). Such certification requires applicants to pass a national exam. The NATABOC examination is given 5 times a year in February, April, June, August and November.



<b>Continuing Education</b>	Licensees must obtain 3 continuing education units (CEUs) to qualify for renewal. According to the board's administrative code, a CEU equals 10 contact hours.
<b>Reciprocity</b>	<p>The board may grant a license, without examination, to any applicant who is licensed in another state if the requirements for licensure are substantially the similar to the requirements of Alabama and other state gives similar reciprocity to licensees of Alabama.</p> <p>The board has not granted any reciprocal licenses</p>
<b>Employees</b>	1
<b>Legal Counsel</b>	Attorney General's Office
<b>Subpoena Power</b>	No
<b>Internet Presence</b>	The board does not have a website.
<b>Attended Board Member Training</b>	Three board members and the executive secretary.
<b><u>Financial Information</u></b>	
<b>Source of Funds</b>	Licensing fees
<b>State Treasury</b>	Yes
<b>Unused Funds</b>	Retains unexpended funds.

## **SIGNIFICANT ITEMS**

- 1. Staggering of board appointments is out of sequence.** Due to errors in specifying the terms of newly appointed board members, three positions on the board are not staggered in accordance with the scheme set by the *Code of Alabama 1975*, Section 34-40-3(a) and (c). The staggering scheme set by law requires that beginning in 2003, 2 members should be appointed in 2003, 3 in 2004, 2 in 2005, and 2 in 2006. The current pattern beginning in 2003 is 1 appointed in 2003, 3 in 2004, 3 in 2005, and 2 in 2006. The Attorney General has rendered an opinion that the statutory staggering scheme takes precedence over the term specified at appointment.
- 2. Inconsistency in the law restricts the board's authority to set fees.** One section of the board's enabling statutes authorizes the board to set fees for license applications and renewals while another section provides specific amounts. New applications and renewals make up the majority of the board's income.

The *Code of Alabama 1975*, Section 34-40-3(g) states "...It shall be the duty of the board to pass upon the qualifications of applicants for licensure as an athletic trainer, and to issue licenses and annual renewals to athletic trainers. The board shall be responsible for fixing fees for such applications, licenses, renewals, verification of licensure, replacement of licenses, name changes on licensees, publication fees, or other administration fees deemed necessary to carry out the provisions of this chapter." (emphasis added)

The *Code of Alabama 1975*, Section 34-40-5(b) states, "...The application shall be accompanied by the payment of a fee of one hundred seventy-five dollars (\$175) for a new application, or a fee of seventy-five dollars (\$75) in the case of a renewal...." (emphasis added)

- 3. Insufficient incentive exists to cause licensees to renew on time.** Seven of nine board members who responded to our questionnaire desired the establishment of a fee, fine, or penalty to charge licensees for delinquent renewal or who reapply for a new license as an alternative to renewal.

*The Code of Alabama 1975*, Section 34-40-8 requires all licenses to expire on December 31 of each year. The board's enabling statutes set a grace period of 90 days during which an expired licensee may renew without having to reapply for licensure. No late renewal penalty fee is authorized as an incentive to timely renewal. Licensees who do not renew within the 90 day grace period must reapply for licensure. However, new licensing only requires current certification by a national certifying organization, which the former licensee would already have, and payment of an application fee. These

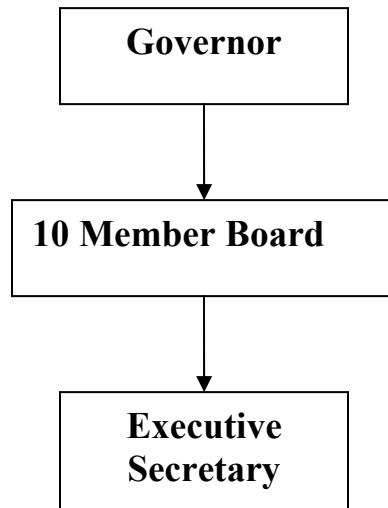
requirements are not viewed as sufficient to deter reapplication as an alternative to renewal.

- 4. Board members are concerned about the inability to address non-licensed practitioners.** All nine members responding to our questionnaire were concerned that the board does not have the authority to take action against non-licensed persons who practice athletic training. The Alabama Athletic Trainers Licensure Act is a “title protection” act, prohibiting others from calling themselves athletic trainers unless they are licensed. However, the act does not prohibit unlicensed persons from performing the same treatment procedures provided by licensed athletic trainers.
- 5. Board Members and Licensees are concerned about becoming third party providers.** Eight of the nine members who responded to our questionnaire were concerned about the inability of licensees to receive payment from insurance companies as 3<sup>rd</sup> party providers. Board members stated that insurance reimbursement ability would make licensees more marketable, more visible, and more respected. Nineteen or 39% of licensees responding to our questionnaire also expressed this concern.

## **STATUS OF PRIOR FINDINGS**

All findings from our most recent prior routine examination of the board have been resolved.

## **ORGANIZATION**



## **PERSONNEL**

The board has no direct employees. Effective October 1, 2003, the board contracted with Porter and Porter, attorneys at law, to perform administrative functions and to provide an executive secretary. Compensation for this service is \$25,500 annually, consisting of \$2,000 per month plus \$1,500 for expenses. The firm maintains the board's records and performs the board's administrative services from its downtown Montgomery office. The board pays for equipment, supplies and other expenses of operation. Legal services for the board are provided by the Attorney General's office.

## **PERFORMANCE CHARACTERISTICS**

**Number of Licensees per Employee** –406

**Total Expenditure per Licensee (2002-2003 fiscal Year)** - \$99.00

**Number of Persons per Licensee in Alabama and Surrounding States**

State	Population	Number of Licensees	Persons per Licensee
Alabama	4,500,752	406	11,086
Florida	17,018,068	1253	13,853
Georgia	8,684,715	607	14,308
Mississippi	2,881,281	222	12,979
Tennessee	5,841,478	859	6,800

### **Notification to Licensees of Board Decisions to Amend Administrative Rules**

The board has yet to amend its administrative rules; therefore, no additional notification has been necessary. However, the board is subject to the notification procedures provided in the Administrative Procedure Act.

### **Complaint Process and Resolution**

During the past four years, the board has received only two complaints concerning one situation. The complaint was resolved informally with a settlement agreement. The board receives few complaints and has no formal hearing procedures at this time. Complaints are required to be in writing. Anonymous complaints are not accepted.

## **FINANCIAL INFORMATION**

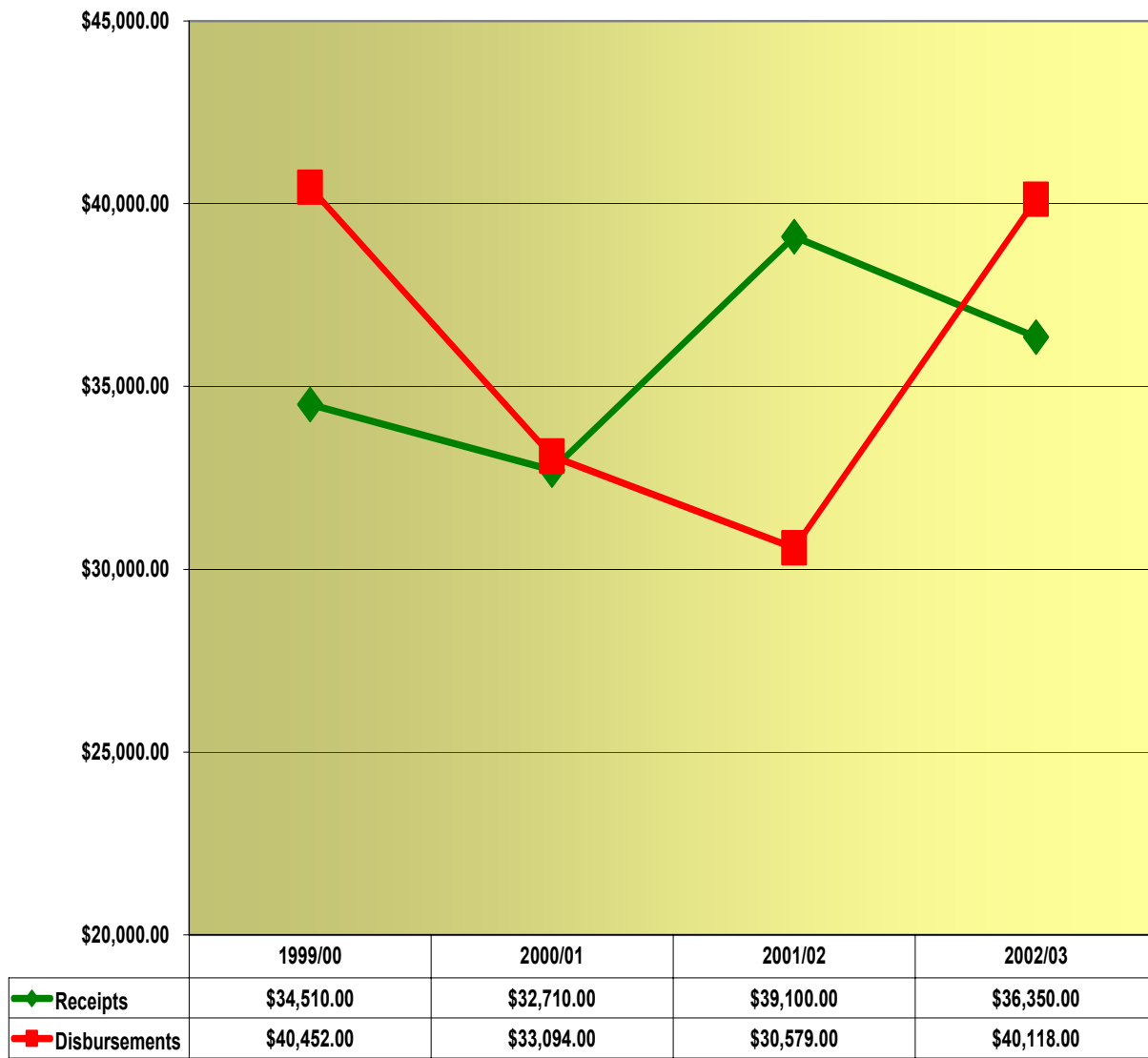
### **Schedule of Fees**

<b><u><i>Fee</i></u></b>	<b><u><i>Authority</i></u></b>	<b><u><i>Amount</i></u></b>
New Application Fee	34-40-5 (b)	\$175
Renewal Fee	34-40-5 (b)	\$75
Mailing List	34-40-3 (g)	\$25

**Schedule of Operating Receipts, Disbursements, and Balances**  
**October 1, 1999 through September 30, 2003**

	<b>2002/03</b>	<b>2001/02</b>	<b>2000/01</b>	<b>1999/00</b>
<b><u>Receipts</u></b>	-			
Licensing Fees	\$36,350.00	\$39,100.00	\$32,710.00	\$34,510.00
<b><u>Disbursements</u></b>	-			
Personnel Costs	2,450.00	1,650.00	2,750.00	2,900.00
Employee Benefits	192.94	126.23	210.42	221.88
Travel In-State	6,291.24	4,953.57	8,642.01	3,201.50
Utilities and Communications	2,635.84	2,871.60	2,091.52	2,119.26
Professional Services	24,562.87	19,600.23	18,632.11	29,391.82
Supplies, Materials, and Operating Expenses	1,621.67	1,377.61	767.84	2,618.03
Grants and Benefits	2,363.82			
Total	40,118.38	30,579.24	33,093.90	40,452.49
Excess (Deficiency) of Receipts over Disbursements	(3,768.4)	8,520.76	(383.90)	(5,942.49)
Cash Balance at Beginning of Year	47,124.06	38,603.30	38,987.20	44,929.69
Cash Balance at End of Year	43,355.68	47,124.06	38,603.30	38,987.20
Reserved for Year-End Obligations	3,646.89	5,066.48	7,159.55	9,092.24
Unobligated Cash Balance at End of Year	\$39,708.79	\$42,057.58	\$31,443.75	\$29,894.96

Operating Receipts vs. Operating Disbursements (Chart)



## **QUESTIONNAIRES**

### **Board Member Questionnaire**

**Questionnaires were mailed to all ten board members. Nine responded.**

#### **Question #1**

**What are the most significant issues currently facing the Alabama Board of Athletic Trainers and how is the Board addressing these issues?**

Respondent 1—"Reimbursement for services rendered. The Board continues to research the reimbursement status of athletic trainers throughout the United States. The license is obtained through rigorous academic coursework and completion of undergraduate degrees. Reimbursement would validate the efforts of professionals."

Respondent 2—"As in most states, the issue of reimbursement for services for athletic trainers is a major concern. Meetings with major insurance providers continue. Re-license or renewal is a major tussle each year for the Board's executive secretary. Members need to become more aware of the process."

Respondent 3—"The Board continues its efforts to promote the Licensed Athletic Trainer as an allied healthcare professional worthy of "third-party reimbursement" from insurance providers within the state. Thus far, meetings with Blue Cross/Blue Shield, the largest provider, have not been over whelming. Obtaining "third-party reimbursement" for our licensees will strengthen our position among the health care industry, not only in Alabama but in other states that are looking for a model to emulate."

Respondent 4—"Recertification [illegible] addressing the difference between penalty for reapplying vs. recertification. Becoming more visible, allowing the State's athletic program to know about the Board and the law."

Respondent 5—"The issue of reimbursement for services. Other states have obtained this level creating an air of greater respect for their license professional, as well as making the potential jobs more marketable and profitable."

Respondent 6—"ATC at every high school in Alabama. At the present, smaller and more rural schools are neglected. ATC's are "marketing tools" for health care groups. Public expects them as a free service. We need public awareness about Athletic Training and its importance. Reimbursement for services—3<sup>rd</sup> party—fee schedule."

Respondent 7—"To obtain reimbursement from health insurance providers like BC/BS, Viva, United, etc. Other states like Georgia, Tennessee and South Carolina have approved licensed athletic [trainers] for reimbursement as licensed health care providers."



Respondent 8—“Obtaining reimbursement from insurance providers. This would advance professional perception of licensees and make licensees more marketable. The Board of Athletic Trainers for the State of Alabama has met with insurance leader BCBS and other state boards and organizations on methods to obtain reimbursement.”

Respondent 9—“Study reimbursement in other states for athletic trainers and continue to present this information to BC/BS who has denied recognition and reimbursement for this profession. This would aid in advancing the professional perception of the licensee and make the licensee more marketable.”

## **Question #2**

### **What changes to the Board’s laws are needed?**

Respondent 1—“Aggressively address non-licensed practitioners. Address the use of the name “student trainer”. Establish fines, fees or penalties for late applications, re-applications, excessive duplication of copied material.”

Respondent 2—“More teeth in prohibiting the practice of the profession without a license. Financial penalty for those who re-apply when they fail to renew license. Additional fees to create more revenue.”

Respondent 3—“Means by which the Board can recover some of the duplication of services or requests from licensees. The initial cost of services to license is understandable and covered, but the duplication seems to be getting more expensive yearly. More “Teeth” added to the statute to discourage those who would practice without a license.”

Respondent 4—“Possibly add in law wording to address source of money for clerical expenses. Penalty for practicing without a license.”

Respondent 5—“System of penalty for those not currently licensed or that have let their’s lapse. System of penalty for those practicing or calling themselves athletic trainers without a license.

Respondent 6—“Penalty for people who “reapply” rather than follow renewal procedure. Prohibit practicing without a license. Add fees to generate revenue. Copies of license files verification charge.”

Respondent 7—“Prohibit practice of profession without license instead of name protection. Provide fine or penalty for those who re-apply rather than renew the license with CEUs. Add fees for clerical work to generate revenue.”

Respondent 8—“The Board needs to find ways to penalize those who do not meet renewal requirements. It is also necessary to find ways to generate revenue beyond membership/license renewals. The board also needs to find a way to enact rules and/or

## ***Board Member Questionnaire***

laws prohibiting the practice of athletic training in the state of Alabama without a license.”

Respondent 9—“Penalize those who “re-apply” rather than follow renewal procedures. Add fees for certain services such as verification charge and charges for copies of a licensee’s file. Prohibit “practice” of profession without licensure.”

### **Question #3**

**Is the Board adequately funded?**

Yes 9      No 0      Unknown 0      No Opinion 0

### **Question #4**

**Is the Board adequately staffed?**

Yes 9      No 0      Unknown 0      No Opinion 0

### **Question #5**

**What is the purpose of your fiscal year end balance of unobligated funds?**

Respondent 1—“To meet the budget of past years.”

Respondent 2—“To meet the budget of following years; staff; office expenses; board expenses, etc.”

Respondent 3—“The Board has previously discussed the possibility of academic scholarships to worthy applicants. Looking at the long-range funding of the Board, may require that these funds be held so that accounts can be balanced in future years.”

Respondent 4—“To provide funding for subsequent years.”

Respondent 5—“To make up for the expenditures exceeding the revenues on any given financial.”

Respondent 6—“To assist in meeting budget of subsequent years when expenses exceed assets.”

Respondent 7—“To hold in escrow funds to meet budget in future years if revenue should drop below annual expenses.”

## ***Board Member Questionnaire***

Respondent 8—“The unobligated funds help to assure the board’s stability when in future years renewals are down due to people moving out of the state or discontinuing the practice of athletic training.”

Respondent 9—“To assist in meeting budget or subsequent years. Our expenses typically exceed our revenues. Unobligated funds which were generated at the time of passage of the ACT allow the answer to #3 to be affirmative. Without [the surplus] the answer would be “no”.”

Licensee Questionnaire

Questionnaires were mailed to one hundred licensees. Forty-nine responded.

**Question #1**

**Do you think the regulation of your profession by the Alabama Board of Athletic Trainers is necessary to protect public welfare?**

Yes 43      No 5      Unknown 1      No Opinion 0

Respondent 46—"The penalty for violation of the athletic training law needs to be stiffer in order to stop people that go to school and are not licensed or certified from putting themselves up as an ATC/LAT"

**Question #2**

**Do you think any of the Board's laws rules, and policies are an unnecessary restriction on the practice of your profession?**

Yes 6      No 40      Unknown 2      No Opinion 1

**Question #3**

**Do you think any of the Board's requirements are irrelevant to the competent practice of your profession?**

Yes 4      No 40      Unknown 4      No Opinion 1

Respondent 42—"CPR requirements should stay the same."

**Question #4**

**Are you adequately informed by the Board of changes to and interpretations of Board positions, policies, rules and laws?**

Yes 20      No 23      Unknown 3      No Opinion 3

**Question #5**

**Has the Board performed your licensing and renewal in a timely manner?**

**Licensing:** Yes 26      No 19      Unknown 0      No Opinion 4  
**Renewal:** Yes 16      No 32      Unknown 0      No Opinion 1

Respondent 8—"I just got my renewal in mail about May 15<sup>th</sup>. Materials and dollars required to be in by January 1<sup>st</sup>."

Respondent 11—"Expires on 12/31 each year, but usually don't receive new license until March or April of the next year."

Respondent 13—"Just got license last week! Check cashed in December!! Same as last year."

Respondent 21—"I applied for my license in August of '03 and reapplied on January 1<sup>st</sup> of '04. I have yet to see any notification or certificate of my Alabama license. I have no proof that I am licensed in Alabama."

Respondent 39—"Takes 4 months—is that adequate?"

**Question #6**

**Do you consider mandatory continuing education necessary for competent practice?**

Yes 45      No 3      Unknown 0      No Opinion 1

Respondent 26—"But not by the Alabama Board. NATA does this. Our current NATA renewal should suffice."

Respondent 33—"But I think that 26 hours per year is not necessary. Physical Therapy only requires 10 hours per year."

**Question #7**

**Has the Board approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?**

Yes 39      No 4      Unknown 2      No Opinion 4

Respondent 46—"All providers approved by the NATA are accepted by the ABAT CEU Committee."

**Question #8**

**What do you think is the most significant issue(s) currently facing your profession in the Alabama and what is the Board doing to address the issue(s)?**

Respondent 1—"Third party reimbursement. I do not know what the board is currently doing in regards to this issue."

Respondent 2—"I would like to see more being done on reimbursement issues and increased knowledge on ATC's."

Respondent 3—"Reimbursement of services, less hours, more respect through education of public."

Respondent 4—"Third party reimbursement. As far as I know, nothing!"

Respondent 5—"Finding new areas of employment."

Respondent 6—"Definition of athlete, supervised by a PT while in clinic, able to perform skills learned through special training such as work hardening."

Respondent 7—"Third party reimbursement."

Respondent 10—"The use of ATCs in a physical therapy setting! I don't know if they are addressing this issue."

Respondent 11—"Unsure."

Respondent 12—"State making athletic training services mandatory. I don't know the Board's stand on this issue."

Respondent 14—"Issue of third party reimbursement within the state. Does not seem as if Board is aggressively pursuing this issue. It took 3 opportunities of submitting information for licensing. It took approximately 7 months to obtain licensure. Renewal this year has taken 4 months. I feel licensure and renewal fees are too expensive. State conference costs too much and is held during state championships."

Respondent 17—"High costs of CEUs and past regulatory mandates do not correlate to average yearly salaries of ATCs."

Respondent 21—"Limitations placed upon ATCs regarding the billing of duties. Third party reimbursement would expand the role of an ATC greatly, making us more marketable."

Respondent 22—"Reimbursement for athletic training services. Unsure of Board actions."

Respondent 23—"Third party reimbursement. I have no idea what they have done to address this issue."

Respondent 24—"Fair and competitive wages by state institutions."

Respondent 26—"Possibly organization issues. Licensing procedures take a very long time. Individuals practicing as ATCs without certification or licensure."

Respondent 28—"Third party reimbursement—nothing."

Respondent 29—“The most significant issue is getting reimbursement for services paid by third party payers such as BCBS of Alabama. The Board is working on this issue.”

Respondent 31—“Pursuing the reimbursement by insurance companies for services provided by Athletic Trainers in clinical settings.”

Respondent 32—“Third Party Reimbursement”

Respondent 33—“As stated above, I personally feel that 26 hours per year is too much continuing education for one year. But sure some hours are necessary.”

Respondent 35—“Providing sufficient health care services for the purpose of prevention, assessment, and care of athletic related injuries to student-athletes at the junior and senior high school level. I do not know if the Board has addressed this issue with the AL High School Association and the State Board of Education.”

Respondent 36—“Licensure of all practicing ATCs mandatory. Requiring employers to audit employees’ licensing information yearly.”

Respondent 37—“Making sure the public knows who we (ATCs) are and what we do. I am not sure what the Board is doing to address this situation.”

Respondent 40—“Third party reimbursement. I don’t know.”

Respondent 41—“There is no third party reimbursement thru insurance by ATCs. Alabama ATA is not doing anything to further our standing and practice scope within the medical community.”

Respondent 42—“A regular CPR certification should be sufficient than requiring the 7 hours.”

Respondent 43—“The most important issues are gaining third party reimbursement for athletic trainers and bringing the pay scale up to an appropriate level due to education requirements for athletic training. I do not know what the Board is doing since I do not receive any information from them until they want renewal fees.”

Respondent 44—“The ability of an ATC to bill in the clinic setting.”

Respondent 45—“Reimbursement. I haven’t heard of anything.”

Respondent 46—“Third party reimbursement—process has been very slow. No consistent action plan and members need to be kept informed.”

Respondent 47—“Ensuring that high school athletes have appropriate medical care.”

**Question #9**

**Do you think the Board and its staff are satisfactorily performing their duties?**

**Board:** Yes 26      No 6      Unknown 10      No Opinion 7  
**Staff:** Yes 27      No 8      Unknown 8      No Opinion 6

Respondent 16—"No, regarding paperwork for licensure and renewals."

**Question #10**

**Has any member of the Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?**

Yes 0      No 48      Unknown 1      No Opinion 0

**Additional Comments:**

Respondent 41—"It's a waste for me to spend \$75 a year for an association that does nothing for me; but I have to maintain my license."



Complainant Questionnaire

Questionnaires were mailed to two complainants. One responded.

**Question #1**

**Was your complaint filed with the Alabama Board of Athletic Trainers by:**

  1   Mail        0   Phone        0   Fax        0   Other        0   Unknown

**Question #2**

**Was receipt of your complaint promptly acknowledged?**

  1   Yes        0   No        0   Unknown        0   No Opinion

If "yes", approximately how long after you filed your complaint were you contacted by the Board?

  1   Immediately        0   Within 10 days        0   Within 20 days  
  0   Within 30 days        0   More than 30 days        0   Did not respond  
  0   Unknown

**Question #3**

**Was the employee who responded to your complaint knowledgeable and courteous?**

  1   Knowledgeable        1   Courteous        0   Neither        0   Unknown

**Question #4**

**Did the Board communicate the results of investigating your complaint to you?**

  1   Yes        0   No        0   Unknown        0   No Opinion

**Question #5**

**Do you think the Board did everything it could to resolve your complaint?**

  1   Yes        0   No        0   Unknown        0   No Opinion

**Question #6**

**Were you satisfied with your dealings with the Board?**

  1   Yes        0   No        0   Unknown        0   No Opinion

## **APPENDICES**

### **Statutory Authority**

#### **CHAPTER 40. ATHLETIC TRAINERS.**

##### **HISTORICAL NOTES**

###### **HISTORY**

Effective date: The act which added this chapter became effective May 13, 1993.

##### **REFERENCES**

###### **CROSS REFERENCES**

As to Alabama Uniform Athlete Agents Act, see Chapter 26A of Title 8.

###### **ADMINISTRATIVE CODE**

1 Ala. Admin. Code 140-X-1-.01 et seq., Board of Athletic Trainers.

###### **§ 34-40-1. Short title.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

This chapter shall be known and may be cited as the "Alabama Athletic Trainers Licensure Act."

(Acts 1993, No. 93-617, p. 1013, § 1.)

###### **§ 34-40-2. Definitions.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

As used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) Apprentice athletic trainer. A person who assists in the duties usually performed by an athletic trainer and who works under the direct supervision of a licensed athletic trainer.

(2) Athlete. A person who participates in an athletic activity being conducted by an educational institution, professional athletic organization, or a board sanctioned amateur athletic organization.

(3) Athletic injury. An injury received by an athlete as a result of the preparation or participation of the athlete in an athletic activity.

(4) Athletic trainer. A person licensed by the Alabama Board of Athletic Trainers as an athletic trainer and who practices athletic training on an athlete under the direction or referral, or both, of a licensed physician after meeting the requirements of this chapter and rules and regulations promulgated pursuant to this chapter.

(5) Athletic training practice. Practice by an athletic trainer of any of the following:

- a. Under physician direction or referral, or both, the prevention of athletic injuries.
- b. The organization and administration of athletic training programs.

- c. Athletic counseling and guidance and the education of athletes regarding athletics and athletic training.
  - d. Under physician direction and referral, the rehabilitation and reconditioning of an athlete.
  - e. Under physician supervision, the evaluation, the recognition, and management of athletic injuries.
- (6) Board. The Alabama Board of Athletic Trainers.
- (7) Physical therapist. A physical therapist licensed by the Alabama State Board of Physical Therapy.
- (8) Physician. A physician licensed by the Medical Licensure Commission of Alabama.
- (9) Physician supervision. A licensed athletic trainer acting under the supervision of a physician if:
- a. The activities are undertaken pursuant to a verbal or written order of the physician who has evaluated the injured athlete; and
  - b. The activity is undertaken in accordance with a written protocol signed by the physician which describes the athletic injury encountered and directs appropriate medical interventions consistent with the qualification, training, and experience of the licensed athletic trainer. The State Board of Medical Examiners shall establish minimum medical criteria for any protocol used by athletic trainers and shall specify those conditions and circumstances which require referral to the physician for further evaluation.
- (Acts 1993, No. 93-617, p. 1013, § 2.)

**§ 34-40-3. Alabama Board of Athletic Trainers -- Appointment of members; annual meeting; terms; duties.**

Current through End of 2003 Organizational, Regular and 1st Special Session.  
 Historical Notes    References

- (a) The Alabama Board of Athletic Trainers shall be composed of nine members who shall serve four-year terms. Members may not serve more than three consecutive four-year terms. Three members shall be Black, one of whom shall be a physician member. The composition of the board shall be as follows:
  - (1) Six members appointed by the Alabama Athletic Trainers Association in accordance with subsection (b) below, one of whom shall be an athletic trainer who is a licensed physical therapist.
  - (2) Three physicians licensed to practice medicine actively engaged in the treatment of athletes and athletic injuries appointed by the Medical Association of the State of Alabama.
  - (3) The President of the Alabama Athletic Trainers Association who shall serve as an ex officio member of the board and whose term of office shall be yearly to coincide with his or her term as President of the Alabama Athletic Trainers Association.
- (b) The six athletic trainers shall be appointed by the Alabama Athletic Trainers Association. The association shall conduct an annual meeting at which all athletic trainers holding a current license as identified under this chapter shall have the right to attend, nominate, and vote. The association shall regulate and prescribe the date, hour, and place of the meeting, the method of nomination, and the manner of voting. At least 30 days prior to the meeting, the association shall mail notices to each current licensee at

the address shown on the current registration notifying of the exact date, hour, and place of the meeting, the purpose of the meeting, and of the right to attend and vote. To qualify as a board member pursuant to this subsection, a person shall be a citizen of the United States and have acted as an athletic trainer for three years within this state immediately preceding appointment.

(c) In making the initial appointments, the Alabama Athletic Trainers Association shall appoint one athletic trainer whose term will expire in 1994, two athletic trainers whose terms will expire in 1995, and one athletic trainer whose term will expire in 1996, and two athletic trainers whose terms will expire in 1997. The Medical Association of the State of Alabama shall appoint one physician whose term will expire in 1994, one physician whose term will expire in 1995, and one physician whose term will expire in 1996. All appointments expire on December 31 of the year specified.

(d) Each appointee to the board shall qualify by taking an oath of office within 15 days from the date of the appointment. In the event of death, resignation, or removal of any member, except for physician members, the vacancy of the unexpired term shall be filled by the board.

(e) The board shall elect a chair, a vice-chair, and secretary from its members for a term of one year and may appoint any committees and formulate any rules it considers necessary to carry out its duties pursuant to this chapter. The board shall meet at least twice each year. Additional meetings may be held on the call of the chair or at the written request of any two members of the board. The secretary shall keep a record of the proceedings of the board. The board may promulgate and adopt rules and regulations consistent with this chapter which are necessary for the performance of its duties. The board may employ an executive secretary and any officers and employees as may be necessary to carry out the duties of the board. The State Board of Medical Examiners and the Alabama Board of Athletic Trainers shall jointly approve any rule, regulation, or policy that interprets, explains, or enumerates the permissible acts, functions, or services rendered by an athletic trainer or apprentice athletic trainer as those acts, functions, and services are defined in Section 34-40-2. Any rule, regulation, or policy adopted in violation of this requirement is invalid. The board shall prescribe forms for license applications, license certificate, license renewal, verification of license, continuing education verification, and any forms for information required from licensees to carry out the duties of the board. The board shall adopt an official seal and a license certificate of suitable design.

(f) Members of the board shall receive fifty dollars (\$50) for every day actually spent in the performance of their duties and in addition thereto shall be reimbursed according to the state travel policy for other expenses in the same amounts and under the same conditions as state employees are reimbursed.

(g) It shall be the duty of the board to pass upon the qualifications of applicants for licensure as an athletic trainer, and to issue licenses and annual renewals to athletic trainers. The board shall be responsible for fixing fees for such applications, licenses, renewals, verification of licensure, replacement of licenses, name changes on licensees, publication fees, or other administration fees deemed necessary to carry out the provisions of this chapter.

(Acts 1993, No. 93-617, p. 1013, § 3; Acts 1997, No. 97-597, p. 1051, § 1.)

## HISTORICAL NOTES

### HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in subsection (a) added subdivision (3); in subsection (d) deleted the second sentence, and in the final sentence inserted "except for physician members," and substituted "board" for "appropriate association in the same manner as other appointments"; in subsection (e) inserted the sixth sentence, and in the penultimate sentence deleted "application" following "prescribe" and inserted "license certificate, license renewal, verification of license, continuing education verification, and any forms for information required from licensees to carry out the duties of the board"; added subsections (f) and (g); and made nonsubstantive changes.

Code Commissioner's Notes

Acts 1997, No. 97-153, § 2, provides: "The existence and functioning of the Alabama Board of Athletic Trainers, created and functioning pursuant to Sections 34-40-1 to 34-40-17, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Act 2001-234, § 2 provides: "The existence and functioning of the Alabama Board of Athletic Trainers, created and functioning pursuant to Sections 34-40-1 to 34-40-17, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

In 2002, the Code Commissioner in subdivision (3) of subsection (a), after the first occurrence of "President of the Alabama" inserted "Athletic" to correct a clerical error.

## REFERENCES

### LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

### **§ 34-40-3.1. Composition of board.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes    References

Notwithstanding any other provision in the law regarding the composition of the Board of Athletic Trainers, the membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.  
(Acts 1997, No. 97-153, p. 195, § 4.)

## HISTORICAL NOTES

### HISTORY

Effective date: The act which added this section became effective March 26, 1997.

## REFERENCES

### LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

**§ 34-40-4. Unauthorized use of title.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

No person shall use the title "athletic trainer", "certified athletic trainer", or "licensed athletic trainer", or use the letters "LAT", "ATC", or "AT", or any other facsimile thereof, whether or not compensation is received or expected, unless the person is licensed as an athletic trainer in this state pursuant to this chapter.

(Acts 1993, No. 93-617, p. 1013, § 4.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 6(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11, 14-15, 28.

**§ 34-40-5. Requirements for license; application.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes    References

(a) Any person seeking licensure as an athletic trainer shall meet at least one of the following requirements:

(1) Satisfactory completion of all of the National Athletic Trainers' Association (NATA) Board of Certification, Inc., qualifications and certification as an athletic trainer in good standing by the National Athletic Trainers' Association Board of Certification, Inc.

(2) Licensure by reciprocity. The board shall grant, without examination, licensure to any qualified trainer holding a license certificate or registration in another state if that state maintains licensure qualifications which are substantially equivalent to those required in this state, and gives similar reciprocity to licensees of this state.

(b) Any person desiring to be licensed or desiring a renewal of an existing license as an athletic trainer in this state shall make and file with the board, not less than 30 days prior to any regular meeting thereof, a written application on a form as prescribed by the board. The application shall be accompanied by the payment of a fee of one hundred seventy-five dollars (\$175) for a new application, or a fee of seventy-five dollars (\$75) in the case of a renewal. Any licensee who fails to renew his or her license within 90 days following expiration of the previous license shall be required to file a new application and pay an application fee with the board.

(Acts 1993, No. 93-617, p. 1013, § 5; Acts 1997, No. 97-153, p. 195, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, designated the existing provisions as subsection (a); in subsection (a) as so designated, in subdivision (1) substituted "Satisfactory completion of" for "Satisfactorily complete", and substituted "certification" for "be certified", and in subdivision (2) inserted "Licensure by reciprocity.", substituted "maintains licensure" for "meets the minimum", and substituted "which are substantially equivalent to those required in this state, and gives similar reciprocity to licensees of this state" for "of this chapter. If the other state accepts licenses of this state in the same manner, the license shall be granted under reciprocity"; and added subsection (b).

## REFERENCES

### LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

### **§ 34-40-6. Treatment of injuries.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

An athletic trainer, functioning under the supervision of a physician, may use therapeutic exercise and modalities for the treatment of athletic injuries for which he or she has received appropriate training or education.

(Acts 1993, No. 93-617, p. 1013, § 6.)

## REFERENCES

### LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(4), 6(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11, 14-15, 26-28.

### **§ 34-40-7. Time restrictions on certification.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

(a) Any person actively engaged as an athletic trainer on May 13, 1993, shall be issued a license certificate if the athletic trainer submits proof of three years of experience as an athletic trainer within the preceding five-year period, receives approval by the board, and pays the license certificate fee as determined by the board. For the purpose of this section, a person is actively engaged as an athletic trainer if the person is employed on a salaried basis for the duration of the institution's school year, or the length of the athletic organization's season, and was hired and performs the duties of an athletic trainer as the major responsibility of employment. One year from May 13, 1993, application for a license certificate pursuant to this subsection shall not be permitted.

(b) The board shall grant licensure to any physical therapist who has satisfactorily completed all of the American Physical Therapy Association (APTA) qualifications as a board certified sports physical therapist (SCS). Three years from May 13, 1993, application for a licensure certificate pursuant to this subsection shall not be permitted.

(c) The board may grant licensure to a licensed physical therapist who submits experience and educational training as an athletic trainer within the preceding five-year period if the person performed duties as an athletic trainer as a significant responsibility. One year from May 13, 1993, application for licensure pursuant to this subsection shall not be permitted.

(Acts 1993, No. 93-617, p. 1013, § 7.)

## REFERENCES

### LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

### **§ 34-40-8. Expiration of licenses; continuing education requirements.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes    References

All licenses issued by the board to athletic trainers shall expire on the last day of December of the year next succeeding the issuance thereof. The license may be renewed on payment of a fee, fixed by the board, completion of continuing education, and current licensee information, as may be needed. The board shall adopt a program of continuing education for its licensees. The successful completion of the annual continuing education program shall be a requisite for the renewal of licenses issued pursuant to this chapter.

(Acts 1993, No. 93-617, p. 1013, § 8; Acts 1997, No. 97-597, p. 1051, § 1.)

## HISTORICAL NOTES

### HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, rewrote this section.

### REFERENCES

### LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(2).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19, 21-24.

### **§ 34-40-9. Professions and occupations not affected; chapter not applicable to certain persons.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

References



- (a) Nothing in this chapter shall be construed as preventing or restricting any of the following persons from engaging in the profession or occupation for which they are licensed, certified, or registered in Alabama as follows:
- (1) Physicians and surgeons licensed by the Medical Licensure Commission of Alabama.
  - (2) Dentists licensed by the State Board of Dental Examiners.
  - (3) Optometrists licensed by the State Board of Optometry.
  - (4) Nurses licensed by the Alabama Board of Nursing.
  - (5) Chiropractors licensed by the State Board of Chiropractic Examiners.
  - (6) Podiatrists licensed by the State Board of Podiatry.
  - (7) Physical therapists licensed by the State Board of Physical Therapy.
  - (8) Occupational therapists licensed by the State Board of Occupational Therapy.
  - (9) Emergency medical technicians licensed by the State Department of Public Health.
- (b) This chapter shall not apply to the following persons:
- (1) Coaches and physical education instructors in the performance of their duties.
  - (2) Apprentice athletic trainers who confine themselves to the duties prescribed in this chapter.
  - (3) Athletic trainers from other nations, states, or territories performing their duties for their respective teams or organizations and only during the course of their team's or organization's stay in this state.
  - (4) A person who performs any of the services set forth in this chapter as long as the person does not violate this chapter.
- (Acts 1993, No. 93-617, p. 1013, § 9.)

## REFERENCES

### LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 6(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11, 14-15, 28.

### **§ 34-40-10. Reasons for rejection, revocation or suspension of license.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

The board may refuse to issue a license certificate to any person and, after notice and hearing pursuant to its regulations and rules, may suspend or revoke the license certificate of any person who has done any of the following:

- (1) Practiced athletic training other than under the direction or referral, or both, of a physician licensed to practice medicine or surgery.
- (2) Uses drugs or intoxicating liquors to an extent which affects professional competency.
- (3) Obtained or attempted to obtain a license by fraud or deception.
- (4) Been grossly negligent in the practice of athletic training.
- (5) Been adjudged mentally incompetent by a court of competent jurisdiction.
- (6) Been guilty of conduct detrimental to the best interest of the public.
- (7) Has been imprisoned for violating any state or federal controlled substance law.

- (8) Treated or undertaken to treat human ailments otherwise than by athletic training and according to standards established by the board.
  - (9) Advertised unethically according to standards as set by the board.
  - (10) Failed or refused to obey any lawful order or regulation of the board.
  - (11) Unlawful invasion of the field of practice of any other profession.
- (Acts 1993, No. 93-617, p. 1013, § 10.)

## REFERENCES

### LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(2), 11.2.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19, 21-24, 38-42.

### **§ 34-40-11. Hearing upon application or filing of charges; procedure; appeal.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

(a) Any person whose application for a license is denied is entitled to a hearing before the board if the person submits a written request to the board. Proceedings for revocation or suspension of a license shall be commenced by filing charges with the board in writing and under oath. The charges may be made by any person or persons. The secretary shall fix a time and place for a hearing and shall cause a written copy of the charges or reason for denial of a license, together with a notice of the time and place fixed for hearing to be served on the applicant requesting the hearing or the licensee against whom the charges have been filed at least 20 days prior to the date set for the hearing. Service of charges and notice of hearing may be given by certified mail to the last known address of the licensee or applicant. At the hearing, the applicant or licensee has the right to appear either personally or by counsel, or both, to produce witnesses, to have subpoenas issued by the board, and to cross-examine the opposing or adverse witnesses. The board is not bound by the strict rules of procedure or by the laws of evidence in the conduct of the proceedings, but the determination shall be founded upon sufficient legal evidence to sustain it. The board shall determine the charges on their merits and enter an order in a permanent record setting forth the findings of fact and law, and the action taken. On application, the board may reissue a license to a person whose license has been cancelled or revoked, but the application may not be made prior to the expiration of a period of six months after the order of cancellation or revocation has become final; and the application shall be made in the manner and form as the board may require.

(b) A person whose application for a license has been refused or whose license has been cancelled, revoked, or suspended by the board may take an appeal, within 30 days after the order is entered in the judicial circuit of his or her residence or in the Montgomery County Circuit Court, to any court of competent jurisdiction.

(c) Appeal from the judgment of the court lies as in other civil cases.

(Acts 1993, No. 93-617, p. 1013, § 11.)

## REFERENCES

#### LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(2, 3), 11.3.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19, 21-25, 43.

#### **§ 34-40-12. Punishment for violation.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

Any person who violates any provision of this chapter is guilty of a Class B misdemeanor, and, upon conviction, shall be punished and fined, or both, as provided by law.

(Acts 1993, No. 93-617, p. 1013, § 12.)

#### REFERENCES

#### LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 6(1, 11.5).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11, 14-15, 28, 33.

#### **§ 34-40-13. Use of title authorized.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

Any person who holds a license pursuant to this chapter as an athletic trainer may use the words "athletic trainer" or "licensed athletic trainer," and may use the letters "LAT" in connection with his or her name to denote his or her licensure as an athletic trainer.

(Acts 1993, No. 93-617, p. 1013, § 13.)

#### REFERENCES

#### LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(4).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 26-27.

#### **§ 34-40-14. Athletic Trainers Fund created; expenditure of funds.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes    References

There is hereby created in the State Treasury a fund to be known as the Athletic Trainers Fund. All receipts of the Alabama Athletic Trainers Board shall be deposited into this fund. The expenses incurred by the Alabama Athletic Trainers Board in carrying out the provisions of this chapter shall be paid out of the Athletic Trainers Fund by warrant of the

Comptroller upon the Treasurer upon itemized vouchers, approved by the chair of the board or his or her designee. The Alabama Board of Athletic Trainers may make grants, and to otherwise arrange with qualified individuals, institutions, or agencies to develop and promote athletic training programs and continuing education programs for athletic trainers. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96 and Sections 41-19-1 to 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations act or other appropriations acts.

(Acts 1993, No. 93-617, p. 1013, § 14; Acts 1997, No. 97-597, p. 1051, § 1.)

## HISTORICAL NOTES

### HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in the third sentence inserted "or his or her designee", and added the fourth sentence.

## REFERENCES

### LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

### **§ 34-40-15. Unauthorized activities.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

Nothing in this chapter shall authorize an athletic trainer or apprentice athletic trainer to engage in the practice of medicine; to diagnose, treat, or cure any human disease, illness, ailment, infirmity, pain, or other condition which is not an athletic injury; to perform surgery of any type or description; or to prescribe any drug or medical device.

(Acts 1993, No. 93-617, p. 1013, § 16.)

## REFERENCES

### LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(4), 6(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11, 14-15, 26-28.

### **§ 34-40-16. Supervision required in physical therapy clinic.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

An athletic trainer employed in a physical therapy clinic shall work under the supervision of a licensed physical therapist in the context of an employer/employee relationship in accordance with physician supervision of the athletic trainer.  
(Acts 1993, No. 93-617, p. 1013, § 17.)

## REFERENCES

### LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 10.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 53, 57.

### **§ 34-40-17. Sunset provision.**

Current through End of 2003 Organizational, Regular and 1st Special Session.

The Alabama Board of Athletic Trainers is subject to the provisions of the Alabama Sunset Law of 1981, shall be classified an enumerated agency under Section 41-20-3, and shall terminate on October 1, 1997, unless continued as therein provided. If continued, the board shall be reviewed every four years thereafter and terminated unless continued by the law.

(Acts 1993, No. 93-617, p. 1013, § 18.)



## **Board Members**



STATE OF ALABAMA  
**BOARD OF ATHLETIC TRAINERS**  
Post Office Box 11477  
Montgomery, Alabama 36111

June 7, 2004

To Whom It May Concern:

The current members and the official of the Alabama Board of Athletic Trainers are:

<b>Board Members</b>	<b>Residence</b>	<b>Term Expires</b>
Robert A. Ferguson, Chairman	Birmingham	December 31, 2005
William H. McDonald	Northport	December 31, 2004
Wayne Kendrick	Birmingham	December 31, 2004
Bradley Montgomery	Livingston	December 31, 2004
Valda Montgomery	Montgomery	December 31, 2005
James Jones	Alabaster	December 31, 2004
Alan Spooner	Birmingham	December 31, 2007
Theodis Buggs, M.D.	Birmingham	December 31, 2006
Craig Buettner, M.D.	Tuscaloosa	December 31, 2007
Melissa Black, M.D.	Birmingham	December 31, 2007
 <b>Official</b>		
Louise C. Porter Executive Secretary	P.O. Box 11477 Montgomery 36111	Current contract expires September 30, 2005

Sincerely,

A handwritten signature in cursive script that reads "Louise C. Porter".  
Louise C. Porter  
Executive Secretary

Telephone: (334) 264-1929

Toll Free: (877) 271-3399

Facsimile: (334) 262-2663



STATE OF ALABAMA  
**BOARD OF ATHLETIC TRAINERS**  
Post Office Box 11477  
Montgomery, Alabama 36111

August 6, 2004

Mr. John Norris, Director  
Operational Division  
Examiners of Public Accounts  
P.O. Box 302251  
Montgomery, Alabama 36130-2251

Dear Mr. Norris:

Thank you for the opportunity to respond to your letter of July 20, 2004. Set forth below are our responses to the Significant Items identified in your report to the Sunset Committee.

**Significant Item No. 1**

The Board was unaware that its' membership was not in keeping with the staggering scheme of our statute and, upon review, it appears that the scheme was upset very early in the existence of the Board and perpetuated without the knowledge of the appointing/electing entities. No member has remained on the Board beyond the time limits of the statute and the Board, together with the appointing/electing entities, will correct the errors in the next election cycle.

**Significant Item No. 2**

The Board was unaware of this inconsistency and has always followed the more restrictive provisions of Section 34-40-5(b), which sets the application and renewal fees in amounts certain, respectively. To provide the Board flexibility with respect to these and any other fees which it might set through the administrative process, the Board would respectfully request that the statute be amended in the Sunset process to delete Section 34-40-5(b) and permit the Board to rely on the language of Section 34-40-3(g).



### **Significant Item No. 3**

The Board is well aware of this weakness in our current system of renewal. The Rules and Regulations of the Board, which have never been amended since their initial adoption, are due for substantial amendment and it is an item of top priority with the Board to draft amendments and promote their adoption through the administrative process.

### **Significant Item No. 4**

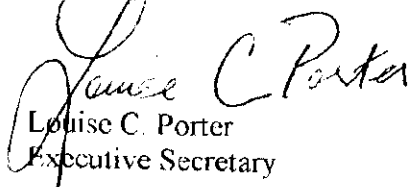
The Board is also well aware of this deficiency. Unlike Item No. 3, however, to adequately resolve this issue an amendment of our statute would be necessary. Regrettably, there exists among the various allied healthcare professional organizations a level of animosity and "turf protection" that is neither warranted nor in the best interest of comprehensive patient care. For this reason, the Board has been reluctant to open our law to make positive, productive amendments in view of the opportunities it would provide others to, perhaps, offer amendments that would not be positive for the profession. This issue is discussed at virtually every Board meeting and the Board will continue to monitor the political environment with a view toward amendment of our statute as soon as possible.

### **Significant Item No. 5**

Much like Item No. 4, this is somewhat of a political issue. The Board has entered into and remains willing to negotiate with insurance carriers with respect to reimbursement. The insurance industry, both in Alabama and nationwide, has been very reluctant to allow reimbursement to our profession. Also, the animosity and lack of support from other allied healthcare professionals is less than helpful in this process. The Board remains committed to continuing its' efforts to obtain reimbursement for its' licensees.

Thank you for taking the time to work with the Board with regard to these matters. We hope the responses set forth above are sufficient.

Sincerely,



Louise C. Porter  
Executive Secretary